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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,970	06/19/2005	Frank C Penning	NL021477	8339

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BRIARCLIFF MANOR, NY 10510

EXAMINER	
AUVE, GLENN ALLEN	

ART UNIT	PAPER NUMBER
2111	

MAIL DATE	DELIVERY MODE
05/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/539,970

Applicant(s)

PENNING, FRANK C

Examiner

Glenn A. Auve

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected because the term "is of comparable dimensions" is very vague. Any dimension can be compared to any other dimension.

Claims 2-4 are rejected because they depend on claim 1.

Claim 5 is rejected because it is a listing of elements that does not show how they interact or interconnect in order to accomplish applicant's invention.

Claims 6-13 are rejected because they depend on claim 5.

Claim 10 is rejected because the term "is of comparable dimensions" is very vague. Any dimension can be compared to any other dimension.

### ***Claim Objections***

3. Claim 7 is objected to because of the following informalities: Claim 7 equates the term "institute of electrical engineer" to IEEE. However, IEEE is an abbreviation for Institute of Electrical and Electronics Engineers. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3,5-10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Robbin et al., U.S. Pat. No. 7,146,437 B2.

As per claim 1, Robbin shows a video accessory (fig.2,(202) and fig.3) for use with a hand-held computer (204), said accessory comprising: means for playback and recording of small form factor optical (SFFO) discs (202, and at least col.5, line 60 – col.6, line 7, wherein the video accessory includes a disk storage device); and means for mating said video accessory with said hand-held computer (fig.2 and fig.3,(316)); wherein said video accessory is of comparable dimensions with said hand-held computer (such vague terminology as “comparable dimensions” is given a very broad interpretation, and as such it is submitted that any dimension is comparable to any other). Robbin shows all of the elements recited in claim 1.

As for claim 2, the argument for claim 1 applies. Robbin also shows that said means for mating further comprises recognition means for recognizing when said video accessory is mated to said hand-held computer (at least figs. 4 and 5). Robbin shows all of the elements recited in claim 2.

As for claim 3, the argument for claim 1 applies. Robbin also shows navigation means for controlling a combination of said video accessory and said hand-held computer (fig.3,(308) and col.7, lines 30-40). Robbin shows all of the elements recited in claim 3.

As per claim 5, Robbin shows a video accessory (202 and fig.3) for use with a hand-held computer (204), said accessory comprising: a processor for controlling the operations of the video accessory (fig.3,(302)); an optical engine coupled to said processor and configured to play

small form factor optical (SFFO) discs (304); an integrated circuit (IC) chipset (all of the elements in fig.3); input/output interface means navigation means coupled to said processor, configured to allow a user to control a display said hand-held computer and operations associated with said video accessory (308); and internal interface means (316). Robbin shows all of the elements recited in claim 5.

As for claim 6, the argument for claim 5 applies. Robbin also shows that said input/output interface means is one of a USB2.0 port and an iLink (at least col. 5, lines 37-40 and col.6, lines 8-15). Robbin shows all of the elements recited in claim 6.

As for claim 7, the argument for claim 6 applies. Robbin also shows that said iLink is operated in accordance with an institute of electrical engineer (IEEE) standard (at least col. 5, lines 37-40 and col.6, lines 8-15). Robbin shows all of the elements recited in claim 7.

As for claim 8, the argument for claim 5 applies. Robbin also shows that said navigation means comprises one or more control buttons for controlling hand-held computer operations (col.7, lines 30-40). Robbin shows all of the elements recited in claim 8.

As for claim 9, the argument for claim 5 applies. Robbin also shows that said internal interface is one of an ATA/ATAPI (IDE) interface, an ATAPI Standard interface and a SCSI (SCSI Standard) interface (inherent in that Robbin shows that the device includes a disk drive and these are all standards used for such a disk drive interface). Robbin shows all of the elements recited in claim 9.

As for claim 10, the argument for claim 5 applies. Robbin also shows that said video accessory is of comparable dimensions to said hand-held computer (such vague terminology as "comparable dimensions" is given a very broad interpretation, and as such it is submitted that any dimension is comparable to any other). Robbin shows all of the elements recited in claim 10.

As for claim 12, the argument for claim 5 applies. Robbin shows that said optical is comprised of an optical light-path, a blue laser and a photo-detector (inherent in the disk drive device). Robbin shows all of the elements recited in claim 12.

As for claim 13, the argument for claim 5 applies. Robbin also shows a housing for accommodating said processor, said optical engine including at least one of said discs, said IC chipset, said display means, said input/output interface means (at least in fig.1 or 2). Robbin shows all of the elements recited in claim 13.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbin in view of what was well known in the art.

As for claim 4, the argument for claim 1 applies. Robbin does not specifically show that said (SFFO) discs are on the order of 25 to 50 millimeters in diameter. However, Robbin does show the use of optical discs in the media player, but not any specific size. While most discs are 120mm in diameter, Official Notice is taken that the use of a smaller disc size would have been obvious in order to make the device smaller and more portable.

As for claim 11, the argument for claim 5 applies. Robbin does not specifically show that said hand-held computer is a personal digital assistant (PDA). However, Robbin shows that the host computer can be any sort of personal computer device. Official Notice is taken that a PDA

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is a type of personal computing device, and it would have been obvious for the host computer in Robbin to be a PDA in order to make the system smaller and more portable.

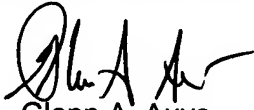
### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other cited patents show media devices that dock with a computer apparatus.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (571) 272-3623. The examiner can normally be reached on M-F 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (571) 272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Glenn A. Auve  
Primary Examiner  
Art Unit 2111

gaa  
11 May 2007